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## SENATE BILL No. 146

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-9-2; IC 31-18.

**Synopsis:** Uniform Interstate Family Support Act. Amends the jurisdictional requirements of the Uniform Interstate Family Support Act (UIFSA) for modification of support orders issued by a tribunal of another state, a foreign country, or a political subdivision. Amends the requirements for an Indiana tribunal to establish continuing, exclusive jurisdiction for a support order issued under UIFSA. Empowers an Indiana tribunal to establish a controlling support order if two or more orders are issued for the same obligor and same child. Requires an Indiana tribunal enforcing a foreign child support order to convert the amount of support owed into dollars. Requires an Indiana Title IV-D agency: (1) to ensure that a child support order for which it requests registration is controlling; (2) to convert into dollar amounts the amounts stated in a foreign currency in an order or judgment for which it requests registration; and (3) to redirect child support payments to a Title IV-D agency in another state if none of the following live in Indiana: (A) the obligor; (B) the obligee; or (C) the child. Repeals the provision that cites to IC 31-18 as the Uniform Interstate Family Support Act.

**Effective:** July 1, 2005.

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**Simpson**

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January 4, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 146

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-9-2-89 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 89. (a) "Person", for  
3 purposes of the juvenile law, means:

- 4 (1) a human being;
- 5 (2) a corporation;
- 6 (3) a limited liability company;
- 7 (4) a partnership;
- 8 (5) an unincorporated association; or
- 9 (6) a governmental entity.

10 (b) "Person", for purposes of section 44.5 of this chapter, means an  
11 adult or a minor.

12 (c) "Person", for purposes of the Uniform Interstate Family  
13 Support Act (IC 31-18), has the meaning set forth in  
14 IC 31-18-1-15.3.

15 SECTION 2. IC 31-9-2-102.5 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2005]: **Sec. 102.5. "Record", for purposes of**

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1 the Uniform Interstate Family Support Act (IC 31-18), has the  
2 meaning set forth in IC 31-18-1-15.5.

3 SECTION 3. IC 31-18-1-9 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. "Initiating state"  
5 means a state in which a proceeding is forwarded or in which a  
6 proceeding is filed for forwarding to a responding state under

7 (1) this article or a law substantially similar to this article.

8 (2) the Uniform Reciprocal Enforcement of Support Act; or

9 (3) the Revised Uniform Reciprocal Enforcement of Support Act.

10 SECTION 4. IC 31-18-1-15.3 IS ADDED TO THE INDIANA  
11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2005]: Sec. 15.3. "Person" means an  
13 individual, a corporation, a business trust, an estate, a trust, a  
14 partnership, a limited liability company, an association, a joint  
15 venture, a government, a government subdivision, a government  
16 agency, a government instrumentality, a public corporation, or  
17 any other legal or commercial entity.

18 SECTION 5. IC 31-18-1-15.5 IS ADDED TO THE INDIANA  
19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2005]: Sec. 15.5. "Record" means  
21 information that is:

22 (1) inscribed on a tangible medium; or

23 (2) stored in an electronic or other medium and is retrievable  
24 in perceivable form.

25 SECTION 6. IC 31-18-1-18 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. "Responding state"  
27 means a state to which a proceeding is filed or to which a proceeding  
28 is forwarded for filing from an initiating state under

29 (1) this article or a law substantially similar to this article.

30 (2) the Uniform Reciprocal Enforcement of Support Act; or

31 (3) the Revised Uniform Reciprocal Enforcement of Support Act.

32 SECTION 7. IC 31-18-1-21 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. "State" means

34 (1) a state of the United States,

35 (2) the District of Columbia,

36 (3) the Commonwealth of Puerto Rico, or

37 (4) any territory or insular possession subject to the jurisdiction  
38 of the United States.

39 The term includes:

40 (1) an Indian tribe; and

41 (2) a foreign jurisdiction country or political subdivision that  
42 have has:

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(A) been declared to be a foreign reciprocating country or political subdivision under federal law;

(B) established a reciprocal arrangement for child support with Indiana as provided in IC 31-18-3-8; or

(C) enacted a law or established procedures for issuing and enforcing support orders that are substantially similar to the procedures under this article. ~~or the procedures under the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.~~

SECTION 8. IC 31-18-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. "Support enforcement agency" means a public official or an agency authorized to seek to:

- (1) enforce a support order or laws regarding the duty of support;
- (2) establish or modify child support;
- (3) establish paternity; ~~or~~
- (4) locate an obligor or the obligor's assets; ~~or~~
- (5) determine a controlling child support order.**

SECTION 9. IC 31-18-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. "Support order" means a judgment, a decree, **a directive**, or an order, whether:

- (1) temporary;
- (2) final; or
- (3) subject to modification;

**issued by a tribunal** for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

SECTION 10. IC 31-18-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a)** In a proceeding to establish ~~or enforce or modify~~ a support order or to determine paternity, an Indiana tribunal may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (1) the individual is personally served with notice in Indiana;
- (2) the individual submits to the jurisdiction of Indiana by:
  - (A) consent;
  - (B) entering an appearance, except for the purpose of contesting jurisdiction; or
  - (C) filing a responsive document having the effect of waiving contest to personal jurisdiction;
- (3) the individual resided in Indiana with the child;
- (4) the individual resided in Indiana and has provided prenatal

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1 expenses or support for the child;  
 2 (5) the child resides in Indiana as a result of the acts or directives  
 3 of the individual;  
 4 (6) the individual engaged in sexual intercourse in Indiana and the  
 5 child:  
 6 (A) has been conceived by the act of intercourse; or  
 7 (B) may have been conceived by the act of intercourse if the  
 8 proceeding is to establish paternity;  
 9 (7) the individual asserted paternity of the child in the putative  
 10 father registry administered by the state department of health  
 11 under IC 31-19-5; or  
 12 (8) there is any other basis consistent with the Constitution of the  
 13 State of Indiana and the Constitution of the United States for the  
 14 exercise of personal jurisdiction.

15 **(b) The bases of personal jurisdiction under subsection (a) or in**  
 16 **any other Indiana law may not be used to acquire personal**  
 17 **jurisdiction for an Indiana tribunal to modify a child support order**  
 18 **of another state unless the requirements of IC 31-18-6-11 or**  
 19 **IC 31-18-6-14 are satisfied.**

20 SECTION 11. IC 31-18-2-2 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~An Indiana tribunal~~  
 22 ~~exercising personal jurisdiction over a nonresident under section 1 of~~  
 23 ~~this chapter may apply:~~

24 ~~(1) IC 31-18-3-16 to receive evidence from another state (special~~  
 25 ~~rules of evidence established by this article regarding long arm~~  
 26 ~~jurisdiction cases); and~~

27 ~~(2) IC 31-18-3-18 to obtain discovery assistance through a~~  
 28 ~~tribunal of another state (special rules of procedure established by~~  
 29 ~~this article for obtaining discovery in long arm jurisdiction cases):~~  
 30 ~~In all other respects, the tribunal shall apply the procedural and~~  
 31 ~~substantive law of Indiana, including the rules on choice of law~~  
 32 ~~other than those established by this article.~~

33 **Personal jurisdiction acquired by an Indiana tribunal in a**  
 34 **proceeding under this article or other Indiana law relating to a**  
 35 **support order continues as long as an Indiana tribunal has**  
 36 **continuing, exclusive jurisdiction to modify its order or continuing**  
 37 **jurisdiction to enforce its order under section 5, 6, or 12 of this**  
 38 **chapter.**

39 SECTION 12. IC 31-18-2-5 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) An Indiana  
 41 tribunal that ~~issues~~ **has issued** a support order consistent with Indiana  
 42 law has **and shall exercise** continuing, exclusive jurisdiction ~~over a to~~

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**modify the child support order if the order is the controlling order and:**

**(1) if at the time of the filing of a request for modification, Indiana remains is the residence of the:**

**(A) obligor;**

**(B) individual obligee; or**

**(C) child for whose benefit the support order is issued; or**

**(2) until each individual party has filed written consent with the Indiana tribunal for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.**

**(2) even if Indiana is not the residence of the:**

**(A) obligor;**

**(B) individual obligee; or**

**(C) child for whose benefit the support order is issued;**

**each individual party consents in a record or in open court that the Indiana tribunal may continue to exercise jurisdiction to modify its order.**

Nothing in this section is intended to divest a court of jurisdiction to enforce a judgment that has been previously issued in favor of any party, including any state or to prevent a Title IV-D agency or its agents from collecting on a judgment previously issued through a judicial or an administrative proceeding.

(b) An Indiana tribunal that ~~issues~~ **has issued** a child support order consistent with Indiana law may not exercise its continuing, **exclusive** jurisdiction to modify the order if: ~~the order has been modified by a tribunal of another state that has exercised continuing, exclusive jurisdiction over the order under a law substantially similar to this article.~~

**(1) each party who is an individual files consent in a record with the Indiana tribunal that a tribunal of another state that:**

**(A) has jurisdiction over at least one (1) of the parties who is an individual; or**

**(B) is located in the state of residence of the child;**

**may modify the order and assume continuing, exclusive jurisdiction; or**

**(2) the tribunal's order is not the controlling order.**

(c) If an Indiana child support order is modified by a tribunal of another state under a law substantially similar to this article, the Indiana tribunal:

**(1) loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in Indiana; and**

**(2) may only:**

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(1) Enforce the order that was modified concerning amounts accruing before the modification.

(2) Enforce nonmodifiable aspects of that order.

(3) Provide other appropriate relief for a violation of the order that occurred before the effective date of the modification.

(4) Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

(d) ~~An Indiana (c) If a~~ tribunal shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that has issued a child support order under the Uniform Interstate Family Support Act or a law substantially similar to this article: ~~and that order modifies a child support order of an Indiana tribunal, the Indiana tribunal shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.~~

(d) An Indiana tribunal that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in the other state.

(e) A temporary support order issued ex parte or a pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) ~~An Indiana tribunal that issues a support order consistent with Indiana law has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. An Indiana tribunal may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over the order under the law of the other state.~~

SECTION 13. IC 31-18-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) An Indiana tribunal **that has issued a child support order consistent with Indiana law** may serve as an initiating tribunal to request a tribunal of another state to enforce: ~~or modify a support order issued in that other state.~~

(1) **the order, if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction under the Uniform Interstate Family Support Act; or**

(2) **a money judgment for arrearage of support and interest on the order accrued before a determination that an order of another state is the controlling order.**

(b) An Indiana tribunal having continuing ~~exclusive~~ jurisdiction over a support order may act as a responding tribunal to enforce ~~or~~

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1 modify the order. If a party subject to the continuing, exclusive  
 2 jurisdiction of the tribunal no longer resides in the issuing state, in  
 3 subsequent proceedings the tribunal may apply:

4 (1) IC 31-18-3-16 regarding receiving evidence from another  
 5 state; and

6 (2) IC 31-18-3-18 regarding obtaining discovery through a  
 7 tribunal of another state:

8 (c) An Indiana tribunal that lacks continuing, exclusive jurisdiction  
 9 over a spousal support order may not serve as a responding tribunal to  
 10 modify a spousal support order of another state:

11 SECTION 14. IC 31-18-2-7 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) If a proceeding  
 13 is brought under this article and one (1) or more child support orders  
 14 have been issued in Indiana or another state with regard to ~~an~~ **the same**  
 15 obligor and ~~a~~ **the same** child, an Indiana tribunal **having personal**  
 16 **jurisdiction over both the obligor and individual obligee** shall apply  
 17 the following rules ~~in determining and by order shall determine~~  
 18 ~~which order to recognize for purposes of continuing, exclusive~~  
 19 ~~jurisdiction:~~ **controls:**

20 (1) If only one (1) tribunal has issued a child support order, the  
 21 order of that tribunal is controlling and must be recognized.

22 (2) If two (2) or more tribunals have issued child support orders  
 23 for the same obligor and **same** child, and only one (1) of the  
 24 tribunals has continuing, exclusive jurisdiction in accordance with  
 25 this article, the order of that tribunal is controlling and must be  
 26 recognized.

27 (3) If two (2) or more tribunals have issued child support orders  
 28 for the same obligor and **same** child, and more than one (1) of the  
 29 tribunals has continuing, exclusive jurisdiction in accordance with  
 30 this article, an order issued by a tribunal in the current home state  
 31 of the child ~~must be recognized:~~ **is controlling.** However, if an  
 32 order has not been issued in the current home state of the child,  
 33 the order most recently issued ~~must be recognized:~~ **is controlling.**

34 (4) If two (2) or more tribunals have issued child support orders  
 35 for the same obligor and **same** child, and none of the tribunals has  
 36 continuing, exclusive jurisdiction in accordance with this article,  
 37 the Indiana tribunal shall issue a child support order that is  
 38 controlling. ~~and must be recognized:~~

39 (b) The tribunal that has issued an order recognized under  
 40 subsection (a) ~~is the tribunal having~~ **has** continuing ~~exclusive~~  
 41 ~~jurisdiction as provided in sections 5 and 6 of this chapter.~~

42 (c) If two (2) or more child support orders have been issued for the

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1 same obligor and same child, and if the obligor or the individual  
 2 obligee resides in Indiana, a upon request of a party may request who  
 3 is an individual or a Title IV-D agency, an Indiana tribunal to that  
 4 has personal jurisdiction over the obligor and obligee who is an  
 5 individual shall determine which order controls and must be  
 6 recognized under subsection (a). The request must be accompanied by  
 7 a certified copy of all support orders in effect. Each party whose rights  
 8 may be affected by a determination of the controlling order must be  
 9 given notice of the request for that determination. may be filed with  
 10 a registration for enforcement or a registration for modification  
 11 under IC 31-18-6, or as a separate proceeding.

12 SECTION 15. IC 31-18-2-7.5 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. (a) An Indiana  
 14 tribunal that:

- 15 (1) determines by order the identity of which is the controlling  
 16 child support order under section 7(a)(1), 7(a)(2), or 7(a)(3) of  
 17 this chapter; or  
 18 (2) issues a new controlling child support order under section  
 19 7(a)(4) of this chapter;

20 shall include in that order the basis upon which the tribunal made the  
 21 determination. **The Indiana tribunal shall also include the amount**  
 22 **of prospective support, consolidated arrearage, and accumulated**  
 23 **interest, if any, under all the orders after all payments are credited**  
 24 **under section 9 of this chapter.**

25 (b) **A request for determination of a controlling order under**  
 26 **section 7 of this chapter must be accompanied by each child**  
 27 **support order in effect and a record of payments. The requesting**  
 28 **party shall give notice to each party whose rights may be affected**  
 29 **by the determination.**

30 (b) (c) Not later than thirty (30) days after issuance of the order  
 31 determining the identity of which is the controlling order, the party  
 32 obtaining the order shall file a certified copy of the order with in each  
 33 tribunal that has issued or registered an earlier order of child support.  
 34 Failure of the party or Title IV-D agency obtaining the order to file a  
 35 certified copy as required subjects the party to appropriate sanctions by  
 36 a tribunal in which the issue of failure to file arises. However, the  
 37 failure has no effect on the validity or enforceability of the controlling  
 38 order.

39 (d) **An order that has been determined to be controlling or a**  
 40 **judgment for consolidated arrearage or interest, if any, made**  
 41 **under this section must be recognized in a proceeding under this**  
 42 **article.**

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SECTION 16. IC 31-18-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. In responding to ~~multiple~~ registrations or petitions for enforcement of two (2) or more child support orders in effect at the same time regarding:

(1) the same obligor; and

(2) different individual obligees;

at least one (1) of which was issued by a tribunal of another state, an Indiana tribunal shall enforce the orders in the same manner as if the ~~multiple~~ orders had been issued by an Indiana tribunal.

SECTION 17. IC 31-18-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. **An Indiana tribunal shall credit** amounts collected ~~and credited~~ for a period as the result of a **child** support order **against amounts owed for the same period under another child support order for the same child** issued by an **Indiana tribunal or** a tribunal of another state. ~~must be credited against the amounts accruing or accrued for the same period under a support order issued by an Indiana tribunal.~~

SECTION 18. IC 31-18-2-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. **(a) An Indiana tribunal exercising personal jurisdiction over a nonresident in a proceeding:**

(1) under this article;

(2) under other Indiana law relating to a support order; or

(3) that recognizes a support order of a foreign country or political subdivision on the basis of comity;

may receive evidence as provided under subsection (b).

**(b) The Indiana tribunal may apply:**

(1) IC 31-18-3-16 to receive evidence from another state;

(2) IC 31-18-3-17 to communicate with a tribunal from another state; and

(3) IC 31-18-3-18 to obtain discovery assistance through a tribunal of another state.

In all other respects, IC 31-18-3 through IC 31-18-7 do not apply, and the tribunal shall apply the procedural and substantive law of Indiana.

SECTION 19. IC 31-18-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. **(a) An Indiana tribunal that issues a spousal support order consistent with Indiana law has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.**

**(b) An Indiana tribunal may not modify a spousal support order**

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1 issued by a tribunal of another state that has continuing, exclusive  
2 jurisdiction over that order under the law of that state.

3 (c) An Indiana tribunal that has continuing, exclusive  
4 jurisdiction over a spousal support order may serve as:

5 (1) an initiating tribunal to request a tribunal of another state  
6 to enforce a spousal support order issued in Indiana; or

7 (2) a responding tribunal to enforce or modify its own spousal  
8 support order.

9 SECTION 20. IC 31-18-3-1 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as  
11 otherwise provided in this article, this chapter applies to all  
12 proceedings under this article.

13 (b) this article provides for the following proceedings:

14 (1) Establishment of an order for spousal support or child support  
15 under IC 31-18-4.

16 (2) Enforcement of a support order and an income withholding  
17 order of another state without registration under IC 31-18-5.

18 (3) Registration of an order for spousal support or child support  
19 of another state for enforcement under IC 31-18-6.

20 (4) Modification of an order for child support or spousal support  
21 issued by an Indiana tribunal under IC 31-18-2.

22 (5) Registration of an order for child support of another state for  
23 modification under IC 31-18-6.

24 (6) Determination of paternity under IC 31-18-7.

25 (7) Assertion of jurisdiction over nonresidents under IC 31-18-2.

26 (c) (b) An individual petitioner or a support enforcement agency  
27 may ~~commence~~ initiate a proceeding authorized under this article by  
28 filing a petition or comparable pleading in:

29 (1) an initiating tribunal for forwarding to a responding tribunal;  
30 or

31 (2) a tribunal of another state that has or is able to obtain personal  
32 jurisdiction over the respondent.

33 SECTION 21. IC 31-18-3-3 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Except as otherwise  
35 provided by in this article, a responding Indiana tribunal:

36 (1) shall apply the procedural and substantive law ~~including the~~  
37 ~~rules on choice of law~~; generally applicable to similar proceedings  
38 originating in Indiana and may:

39 (A) may exercise all powers; and

40 (B) provide all remedies;

41 available in the proceedings; and

42 (2) shall determine the duty of support and the amount payable

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under the child support guidelines adopted by the Indiana supreme court and any other relevant Indiana law.

SECTION 22. IC 31-18-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Upon the filing of a petition authorized by this article, an initiating Indiana tribunal shall forward ~~three (3) copies of~~ the petition and its accompanying documents to:

- (1) the responding tribunal; or
- (2) an appropriate support enforcement agency in the responding state.

However, if the identity of the responding tribunal is unknown, the ~~copies petition~~ must be forwarded to the state information agency of the responding state with a request for the ~~copies petition~~ to be forwarded to the appropriate tribunal and for receipt to be acknowledged.

(b) If a ~~responding state has not enacted the Uniform Interstate Family Support Act or a law or procedure substantially similar to the Uniform Interstate Family Support Act,~~ requested by a responding tribunal, an Indiana tribunal ~~may shall~~ issue a certificate or other documents and make findings required by the law of the responding state. If the responding state is a foreign ~~jurisdiction,~~ country or political subdivision, the tribunal ~~may shall upon request:~~

- (1) specify the amount of support sought; ~~and~~
- (2) **convert that amount into the equivalent amount in the foreign currency under applicable official exchange rates as publicly reported; and**
- (3) provide ~~any~~ other documents necessary to satisfy the requirements of the responding state.

SECTION 23. IC 31-18-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) When a responding Indiana tribunal receives a petition or comparable pleading from an initiating tribunal or directly under section ~~1(c)~~ **1(b)** of this chapter, the responding tribunal shall:

- (1) file the petition or pleading; and
- (2) notify the petitioner by first class mail of the location and date that the petition or comparable pleading was filed.

(b) A responding Indiana tribunal, to the extent ~~otherwise authorized~~ **not prohibited** by other law, may do one (1) or more of the following:

- (1) Issue or enforce a support order, modify a child support order, **determine a controlling support order,** or ~~enter a judgment to~~ establish paternity.

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(2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

(3) Order income withholding.

(4) Determine the amount of any arrearages and specify a method of payment.

(5) Enforce orders by civil or criminal contempt, or both.

(6) Set aside property for satisfaction of the support order.

(7) Place liens and order execution on the obligor's property.

(8) Order an obligor to keep a tribunal informed of the obligor's current:

(A) residential address;

(B) telephone number;

(C) income payor;

(D) address of employment; and

(E) telephone number at the place of employment.

(9) Issue a bench warrant or body attachment for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal, and enter the bench warrant in any local and state computer systems for criminal warrants.

(10) Order the obligor to seek appropriate employment by specified methods.

(11) Award reasonable attorney's fees and other fees and costs.

(12) As appropriate, grant any other available remedy under federal or state law.

(c) A responding Indiana tribunal shall include in:

(1) a support order issued under this article; or

(2) the documents accompanying the order;

the calculations upon which the support order is based.

(d) A responding Indiana tribunal may not condition the payment of a support order issued under this article upon a party's compliance with provisions for visitation.

(e) If a responding Indiana tribunal issues an order under this article, the Indiana tribunal shall send a copy of the order by first class mail to the:

(1) petitioner;

(2) respondent; and

(3) initiating tribunal, if any.

**(f) If requested to:**

**(1) enforce:**

**(A) a support order;**

**(B) an arrearage; or**

**(C) a judgment; or**

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1           **(2) modify a support order;**  
 2           **stated in a foreign currency, a responding Indiana tribunal shall**  
 3           **convert the amount stated in the foreign currency to the equivalent**  
 4           **amount in dollars under the applicable exchange rates as publicly**  
 5           **reported.**

6           SECTION 24. IC 31-18-3-7 IS AMENDED TO READ AS  
 7           FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) An Indiana Title  
 8           IV-D agency, upon request, shall provide services to a petitioner who  
 9           is an obligee in a proceeding under this article.

10          (b) ~~☆~~ **An Indiana Title IV-D agency, or its agents, that is providing**  
 11          **services to the petitioner under this article shall:**

12           (1) take the steps necessary to enable an appropriate Indiana  
 13           tribunal or another state to obtain jurisdiction over the respondent;

14           (2) request an appropriate tribunal to set a date, time, and place  
 15           for a hearing;

16           (3) make a reasonable effort to obtain all relevant information,  
 17           including information regarding income and property of the  
 18           parties;

19           (4) not later than ten (10) days, exclusive of Saturdays, Sundays,  
 20           and legal holidays, after receipt of a written notice **in a record**  
 21           from an initiating, a responding, or a registering tribunal, send a  
 22           copy of the notice by first class mail to the petitioner;

23           (5) not later than ten (10) days, exclusive of Saturdays, Sundays,  
 24           and legal holidays, after receipt of a written communication **in a**  
 25           **record** from the respondent or the respondent's attorney, send a  
 26           copy of the communication by first class mail to the petitioner;  
 27           and

28           (6) notify the petitioner if jurisdiction over the respondent may  
 29           not be obtained.

30          (c) **An Indiana Title IV-D agency that requests registration of**  
 31          **a child support order in Indiana for enforcement or for**  
 32          **modification shall make reasonable efforts:**

33           (1) to ensure that the order to be registered is the controlling  
 34           order; or

35           (2) if two (2) or more child support orders exist and the  
 36           identity of the controlling order has not been determined, to  
 37           ensure that a request for such a determination is made in a  
 38           tribunal having jurisdiction to do so.

39          (d) **An Indiana Title IV-D agency that requests registration and**  
 40          **enforcement of a support order, an arrearage, or a judgment**  
 41          **stated in a foreign currency shall convert the amounts stated in the**  
 42          **foreign currency into equivalent amounts in dollars under**

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1 applicable official exchange rates as publicly reported.

2 (e) An Indiana Title IV-D agency shall issue or request an  
3 Indiana tribunal to issue a child support order and an income  
4 withholding order that redirect payment of current support,  
5 arrearage, and interest if requested to do so by a Title IV-D agency  
6 of another state under section 19 of this chapter or an equivalent  
7 provision of the Uniform Interstate Family Support Act.

8 ~~(c)~~ (f) This article does not create or negate:

9 (1) an attorney-client; or

10 (2) other fiduciary;

11 relationship between an attorney for either the Title IV-D agency or its  
12 agents and the individual being assisted.

13 SECTION 25. IC 31-18-3-8 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) If the division of  
15 family and children determines that an agent of the Title IV-D agency  
16 is neglecting or refusing to provide services to an individual, the  
17 division may:

18 (1) direct the agent to perform duties of the agent under this  
19 article; or

20 (2) provide the services directly to the individual.

21 (b) **The division of family and children may determine that a**  
22 **foreign country or political subdivision has established a reciprocal**  
23 **arrangement for child support with Indiana and take appropriate**  
24 **action for notification and determination.**

25 SECTION 26. IC 31-18-3-10 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The division of  
27 family and children is the state information agency for Indiana under  
28 this article.

29 (b) The division of family and children shall do the following:

30 (1) Compile and maintain a current list, including addresses, of  
31 each Indiana tribunal that has jurisdiction under this article and  
32 transmit a copy of the list to the state information agency of every  
33 state.

34 (2) Maintain a registry of **names and addresses of** tribunals and  
35 support enforcement agencies received from other states.

36 (3) Forward to the appropriate tribunal in the location in Indiana  
37 in which:

38 (A) the obligee **who is an individual** or the obligor resides; or

39 (B) the obligor's property is believed to be located;

40 all documents concerning a proceeding under this article received  
41 from an initiating tribunal or the state information agency of the  
42 initiating state.

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(4) Obtain information concerning the location of the obligor and the obligor's property within Indiana that is not exempt from execution by the following methods:

- (1) (A) Postal verification.
- (2) (B) Federal or state locator services.
- (3) (C) Examination of telephone directories.
- (4) (D) Requests for the obligor's address from employers.
- (5) (E) Examination of governmental records, including, to the extent not prohibited by other law, records relating to the following:
  - (A) (i) Real property.
  - (B) (ii) Vital statistics.
  - (C) (iii) Law enforcement.
  - (D) (iv) Taxation.
  - (E) (v) Motor vehicles.
  - (F) (vi) Driver's licenses.
  - (G) (vii) Social Security.
  - (H) (viii) Worker's compensation.

SECTION 27. IC 31-18-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) **~~In a proceeding under this article, a~~ petitioner seeking to establish ~~or modify~~ a support order, ~~or to establish paternity, in a proceeding under this article or to register and modify a support order of another state~~ must ~~verify the file~~ a petition. Unless otherwise ordered under section 12 of this chapter, the petition or accompanying documents must provide the following if available:**

- (1) The names, residential addresses, and Social Security numbers of the obligor and the obligee **or the parent and alleged parent.**
- (2) The name, sex, residential address, Social Security number, and date of birth of each child for ~~whom~~ **whose benefit** support is sought **or for whom paternity is to be determined.**
- (3) Any other information that may assist in locating or identifying the respondent.

(b) **Unless filed at the time of registration,** the petition must:

- (1) be accompanied by a ~~certified~~ copy of any support order ~~in effect, known to have been issued by another tribunal;~~ and
- (2) specify the relief sought.

(c) The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

SECTION 28. IC 31-18-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. ~~Upon a finding,~~

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which may be made ex parte; that the health, safety, or liberty of a party or child may be unreasonably put at risk by the disclosure of identifying information; or as provided by an existing order, a tribunal or a Title IV-D agency or its agents may determine that:

- (1) the address of the party or child; or
- (2) other identifying information;

may not be disclosed in a pleading or other document filed in a proceeding under this article. **If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, the information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, and liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.**

SECTION 29. IC 31-18-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) Participation by a petitioner in a proceeding **under this article** before a responding tribunal whether:

- (1) in person;
- (2) by private attorney; or
- (3) through services provided by the Title IV-D agency or its agents;

does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in Indiana to participate in a proceeding under this article.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this article committed by a party while **physically** present in Indiana to participate in the proceeding.

SECTION 30. IC 31-18-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The physical presence of ~~the petitioner~~ **a nonresident party is not required in a responding an** Indiana tribunal: ~~is not required:~~

- (1) for establishing, enforcing, or modifying a support order; or
- (2) for a judgment of paternity.

(b) ~~A verified petition;~~ **An affidavit, or a document substantially complying with federally mandated forms, and or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible into**

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evidence if given under ~~oath~~ **penalty of perjury** by a party or witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The certified copy is:

(1) evidence of facts asserted in the copy; and

(2) admissible to show whether payments were made.

(d) Copies of bills for:

(1) paternity testing; and

(2) prenatal and postnatal health care of the mother and child; furnished to the adverse party at least ten (10) days before trial are admissible into evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to an Indiana tribunal by telephone, telecopier, or other means that do not provide an original ~~writing~~ **record** may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this article, an Indiana tribunal ~~may~~ **shall** permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at:

(1) a designated tribunal; or

(2) another designated location in the other state.

The deposition or testimony must be conducted while the party or witness is under oath. An Indiana tribunal shall cooperate with a tribunal in another state in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses who are parties to the proceeding does not apply in a proceeding under this article.

**(i) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish the paternity of the child.**

SECTION 31. IC 31-18-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) An Indiana tribunal may communicate with a tribunal of another state **or a foreign country or political subdivision** in ~~writing~~ **a record**, by telephone, or any other means to obtain information concerning the:

(1) laws of the other state **or foreign country or political subdivision**;

(2) legal effect of a judgment, a decree, or an order of the other

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state's tribunal **or foreign country or political subdivision**; and  
 (3) status of a proceeding in the other state **or foreign country or political subdivision**.

(b) An Indiana tribunal may furnish similar information by similar means to a tribunal of another state **or foreign country or political subdivision**.

SECTION 32. IC 31-18-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. **(a)** An Indiana **Title IV-D agency or an Indiana** tribunal shall promptly disburse amounts received under a support order as directed by the order. The agency or tribunal shall furnish to a:

(1) requesting party; or

(2) tribunal of another state;

a certified statement by the custodian of the record of the amount and date of each payment received.

**(b) If neither the obligor, the obligee who is an individual, nor the child resides in Indiana, upon request from a Title IV-D agency in Indiana or another state, an Indiana tribunal shall:**

**(1) direct the support payment to be made to the Title IV-D agency in the state in which the obligee is receiving services; and**

**(2) issue and send to the obligor's employer a conforming income withholding order or a notice of change of payee, reflecting the redirected payments.**

**(c) An Indiana Title IV-D agency receiving redirected payments from another state under a law similar to subsection (b) shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amount and dates of all payments received.**

SECTION 33. IC 31-18-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The tribunal may issue a temporary child support order ~~upon a finding; after notice and opportunity to be heard; that:~~

~~(1) the respondent has signed a verified statement acknowledging paternity; or~~

~~(2) the respondent's paternity has been established;~~

**if the tribunal determines that the order is appropriate and the individual ordered to pay is:**

**(1) a presumed father of the child;**

**(2) a petitioner in an action to have paternity adjudicated;**

**(3) the father of the child identified through genetic testing;**

**(4) an alleged father who has declined to submit to genetic**

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testing;

(5) the father of the child based on clear and convincing evidence;

(6) the father based on the filing of a document or pleading under IC 16-37-2-2.1 or IC 31-14-8-1;

(7) the mother of the child; or

(8) an individual who has been ordered to pay child support in a previous proceeding, and the order has not been reversed or vacated.

SECTION 34. IC 31-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) An income withholding order issued in another state may be sent by first class mail **by or on behalf of the obligee or Title IV-D agency of another state** to the person ~~or entity~~ defined as the obligor's income payor under Indiana's income withholding law under IC 31-16-15 without first filing a petition or registering the order with an Indiana tribunal. Upon receipt of the order, the income payor shall:

(1) treat an income withholding order issued in another state that appears regular on its face as if the order had been issued by an Indiana tribunal;

(2) immediately provide a copy of the order to the obligor; and

(3) distribute the funds as specified in section 1.1 of this chapter.

(b) An obligor may contest the validity or enforcement of an income withholding order issued in another state **by registering the order in an Indiana tribunal and filing a contest of that order as provided in IC 31-18-6, or otherwise contesting the order** in the same manner as if the order had been issued by an Indiana tribunal. IC 31-18-6 applies to the contest.

(c) The obligor shall give notice of the contest under this section to:

(1) any support enforcement agency providing services to the obligee; and

(2) a person ~~or an agency~~ designated in the income withholding order to receive payments, or if a person ~~or an agency~~ is not designated, the obligee.

SECTION 35. IC 31-18-5-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.1. (a) Except as provided in subsection (b) and IC 31-18-6-2.1, an employer shall withhold and distribute the funds as directed in a withholding order by complying with the applicable terms of the order that specify the following:

(1) The duration and the amount of periodic payments of current child support, stated as a certain sum.

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(2) The person ~~or agency~~ designated to receive payments and the address to which the payments are to be forwarded.

(3) Medical support, whether in the form of periodic cash payments, stated as a certain sum, or an order to the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment.

(4) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as a certain sum.

(5) The amount of periodic payments of arrears and interest on arrears, stated as a certain sum.

(b) The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(1) the employer's fee for processing an income withholding order or credit;

(2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the periods within which the employer must implement the withholding order and forward the child support payment.

SECTION 36. IC 31-18-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A support order or an income withholding order of another state may be registered in Indiana by sending the following ~~documents~~ **records** and information to the appropriate tribunal in Indiana:

(1) A letter of transmittal to the tribunal requesting registration and enforcement.

(2) Two (2) copies, including one (1) certified copy, of ~~each~~ **the** order that is required to be registered, including any modification of ~~an~~ **the** order.

(3) A sworn statement by the ~~party seeking~~ **person requesting** registration or a certified statement by the custodian of the records showing the amount of any arrearage.

(4) The name of the obligor and, if known:

(A) the obligor's address and Social Security number;

(B) the name and address of the obligor's employer and any other source of income of the obligor; and

(C) a description and the location of property of the obligor in Indiana not exempt from execution.

(5) **Except as provided in IC 31-18-3-12**, the name and address of the obligee and, if applicable, the ~~agency~~ **or** person to whom support payments must be remitted.

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(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one (1) copy of the documents and information, regardless of form.

(c) A petition seeking a remedy that must be affirmatively sought under other Indiana law may be filed at the same time as the request for registration or later. The petition must specify the grounds for the remedy sought.

**(d) If two (2) or more orders are in effect, the person requesting registration shall:**

**(1) furnish to the tribunal a copy of each support order asserted to be in effect in addition to the documents specified in this section;**

**(2) specify the order alleged to be the controlling order, if any; and**

**(3) specify the amount of consolidated arrearage, if any.**

**(e) If two (2) or more orders are in effect, a request for a determination of which order is the controlling order may be filed separately, or with a request for registration and enforcement or a request for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.**

SECTION 37. IC 31-18-6-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. If an obligor's employer receives ~~multiple~~ **two (2) or more** orders to withhold support from the earnings of the same obligor, the employer shall be considered to have satisfied the terms of the ~~multiple~~ orders if the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld from ~~multiple~~ **two (2) or more** child support obligees is complied with.

SECTION 38. IC 31-18-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) **Except as provided in subsection (d),** the law of the issuing state governs the:

**(1) nature, extent, amount, and duration of current payments and other obligations of support; and for a registered support order;**

**(2) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and**

**(3) the existence and satisfaction of other obligations under the support order.**

(b) In a proceeding for arrearages **under a registered support order**, the statute of limitations under:

(1) Indiana law; or

(2) the law of the issuing state;

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whichever is longer, applies.

(c) A responding Indiana tribunal shall apply Indiana procedures and remedies to enforce current support and collect arrears and interest due on a support order of another state registered in Indiana.

(d) After a tribunal of another state determines which is the controlling order and issues an order consolidating arrears, if any, an Indiana tribunal shall prospectively apply the law of the state issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

SECTION 39. IC 31-18-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) ~~After If section 13 of this chapter does not apply, and except as provided in section 14 of this chapter, upon petition an Indiana tribunal may modify a child support order issued in another state that has been registered in Indiana unless the provisions of section 13 of this chapter apply, the responding Indiana tribunal may modify the order only if, after notice and hearing, the responding tribunal finds that:~~

(1) the:

(A) child, individual obligee, and obligor do not reside in the issuing state;

(B) petitioner who is a nonresident of Indiana seeks modification; and

(C) respondent is subject to the personal jurisdiction of the Indiana tribunal; or

(2) **Indiana is the residence of** an individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a ~~written~~ consent **in a record** in the issuing tribunal providing that an Indiana tribunal may modify the support order and assume continuing, exclusive jurisdiction. ~~over the order. However, if the issuing state is a foreign jurisdiction that has not enacted the Uniform Interstate Family Support Act, the written consent of the individual party residing in Indiana is not required for the tribunal to assume jurisdiction to modify the child support order.~~

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by an Indiana tribunal. The order may be enforced and satisfied in the same manner.

(c) **Except as provided in section 14 of this chapter,** an Indiana tribunal may not modify any aspect of a child support order that may

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not be modified under the law of the issuing state, **including the duration of the obligation of support.** If two (2) or more tribunals have issued child support orders for the same obligor and **same** child, the order that is controlling and must be recognized under the provisions of IC 31-18-2-7 establishes the nonmodifiable aspects of the support order.

(d) Upon the modification of a child support order issued in another state, an Indiana tribunal becomes the tribunal of continuing, exclusive jurisdiction.

(e) Not more than thirty (30) days after issuing a modified child support order, the party obtaining the modification shall file a certified copy of the order:

(1) with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order; and

(2) in each tribunal in which the party knows that the earlier order has been registered.

(f) Failure of the party obtaining the order to file a certified copy as required under subsection (e) subjects the party to appropriate sanctions by a tribunal in which the issue of failure to file arises, but the failure has no effect on the validity or enforceability of the modified order of the new tribunal of continuing, exclusive jurisdiction.

**(g) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by an Indiana tribunal.**

SECTION 40. IC 31-18-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. **If a child support order issued by an Indiana tribunal shall recognize a modification of its earlier child support order is modified by a tribunal of another state that assumed jurisdiction under a law substantially similar to this article. Upon request, except as otherwise provided in this article, the Uniform Interstate Family Support Act, the Indiana tribunal: shall do the following:**

(1) **Enforce the may enforce its** order that was modified only as to **amounts arrears and interest** accruing before the modification;

(2) **Enforce only nonmodifiable aspects of the order.**

(3) **Provide other (2) may provide** appropriate relief **only** for a violation of **the its** order that occurred before the effective date of the modification; **and**

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(4) ~~Recognize~~ (3) shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

SECTION 41. IC 31-18-6-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) If a foreign country or political subdivision that is a state will not or may not modify its order under its laws, an Indiana tribunal may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child support order required of the individual under section 11 of this chapter has been given or whether the individual seeking modification is a resident of Indiana or of the foreign country or political subdivision.

(b) An order issued under this section is the controlling order.

SECTION 42. IC 31-18-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) An Indiana tribunal court authorized to determine paternity may serve as an initiating or a responding tribunal in a proceeding to determine paternity brought under

(+) this article or a law or procedure substantially similar to this article. or

(2) a law or procedure substantially similar to the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act;

to determine that the petitioner is a parent of a child or to determine that a respondent is a parent of the child:

(b) In a proceeding to determine paternity, a responding Indiana tribunal shall apply the:

(+) procedural and substantive law of Indiana; and

(2) rules of Indiana on choice of law.

SECTION 43. IC 31-18-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) As used in this chapter, "governor" includes:

(1) an individual performing the functions of governor; or

(2) the executive authority of a state covered by this article.

(b) The governor of Indiana may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in Indiana with having failed to provide for the support of an obligee; or

(2) on the demand by of the governor of another state, surrender an individual found in Indiana who is charged criminally in the

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other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this article applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from the demanding state.

SECTION 44. IC 31-18-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Before making a demand that the governor of another state surrender an individual charged criminally in Indiana with having failed to provide for the support of an obligee, the governor of Indiana may require a prosecuting attorney in Indiana to demonstrate that:

- (1) at least sixty (60) days previously the obligee had initiated proceedings for support under this article; or
- (2) the proceeding would be of no avail.

(b) If under

- ~~(1) this article or a law substantially similar to this article~~
- ~~(2) the Uniform Reciprocal Enforcement of Support Act; or~~
- ~~(3) the Revised Uniform Reciprocal Enforcement of Support Act;~~

the governor of another state makes a demand that the governor of Indiana surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecuting attorney to investigate the demand and report whether a proceeding for support has been initiated or may be effective.

(c) If a proceeding for support may be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(d) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand.

(e) If the:

- (1) petitioner prevails; and
- (2) individual whose rendition is demanded is subject to a support order;

the governor may decline to honor the demand if the individual is complying with the support order.

SECTION 45. IC 31-18-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. ~~This article must be applied and construed to effectuate its general purpose to make uniform~~  
**In applying and construing the uniform act as contained in this article, consideration must be given to the need to promote the**

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**uniformity of the law with respect to the its subject of this article  
matter among states enacting that enact it.**

SECTION 46. IC 31-18-9-4 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **(a)** Remedies under  
this article:

(1) are cumulative; **and**

(2) do not affect the availability of remedies under any other law;  
**and**

**(3) include the recognition of a support order of a foreign  
country or political subdivision on the basis of comity.**

**(b) This article does not:**

**(1) provide the exclusive method of establishing or enforcing  
a support order under Indiana law; or**

**(2) grant an Indiana tribunal jurisdiction to render judgment  
or issue an order relating to child custody or visitation in a  
proceeding under this article.**

SECTION 47. IC 31-18-9-2 IS REPEALED [EFFECTIVE JULY 1,  
2005].

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